

7:00 P.M.

SEPTEMBER 8, 2009

52 Preventative Patrols, 2 Noise Complaint and 3 Harassment calls. We experienced a large number of false alarms - 9. Seventy five calls were citizen initiated and 248 officers initiated between August 1st and August 31, 2009.

Virginia Currence asked what a juvenile complaint is. A juvenile complaint is anything that involves a child under age. Clint Newton asked what a child well being check is. A child well being check occurs when anyone feels that a child is being neglected or abused. All four Dusk to Dawn signs have been stolen. The signs were broken off at ground level. Mayor Kendall Spence requested that the newsletter include a reminder for people to call either 911 or the non-emergency number when they witness a crime.

Mayor Kendall Spence asked Ken Swain about offering a reward for information leading to the arrest and conviction concerning the removal of the "Dusk to Dawn" signs and the graffiti at the fishing pier. Attorney Ken Swain stated that we could offer a reward through a resolution. Greg Crosby stated that if Council handled the reward, it would leave us to determine what is enough information as opposed to a group such as Crime Stoppers. Mayor Kendall Spence asked Greg Crosby to go back and look at the previous newsletters to see how we handled advertising the reward in previous years.

Deputy Haywood suggested that an article be placed in the newsletter requesting residents to call promptly to report any suspicious activities to either 911 or the non-emergency number. Quite a few times, a timely report of an incident can mean the difference between apprehending a suspect and leaving a crime unsolved.

Mayor Kendall Spence asked Attorney Ken Swain the status of the two abandoned Cypress homes. Based upon my understanding of the discussions that the staff has had with the county, it is our understanding that they can't engage in any action until after 2010 due to new developer legislation. Assuming that abating the properties is not prohibited, going in and doing some unilateral declaration of nuisance and destruction of the property is not the safe course for the municipality to engage in. I do not recommend using the statue for abating these nuisances in a unilateral fashion because it could allow for claims of lack of notice to the owners. I believe the safer and more conservative approach, which is what I would recommend would be to file a civil action requesting that the Court order that the Village be granted authority to abate the nuisances. This approach does have the potential to be expensive in terms of costs and attorney's fees.

My understanding is that Cypress Homes has not filed for bankruptcy although that understanding is only from oral discussions with the staff. There is paperwork from the Secretary of State of North Carolina that indicates the status of the corporation was in doubt due to the failure of the company to file certain required paperwork with the State. The information on file with the State is used to determine who is designated as the registered agent for service of legal process. This is important because if a civil law suit is filed we will need to make all legally required efforts to obtain service of a complaint properly.

Mayor Kendall Spence asked if it was feasible for the VOLP to buy the properties at a reduced rate. The whole issue is where are the owners and then that brings into play the secured lien holders. Real estate is not going to change hands without the secured liens being paid. There is going to need to be some satisfaction of the lien or a release of the lien. Wells Fargo does not have the ability to sell the property because they have not foreclosed therefore, they do not have titles on the property.

Sandy Coughlin would like to request that Attorney Ken Swain send a letter to Wells Fargo. Attorney Ken Swain will be glad to, although there is no way of knowing how expensive the process may become to the VOLP. There are potholes that are out there. Attorney Ken Swain will be glad to send a letter to Wells Fargo requesting information and the status of the properties. He will also get on the phone, if he can have the VOLP authority to express an interest in the village buying the properties. If the Village were to buy the properties and tear down the houses, the Village would want to be careful that no lien came along with the

purchase. I believe, at this time, that a court ordered abatement would be the proper course but I will investigate other potential ways to address the issue.

FINANCE OFFICER'S MONTHLY REPORT: Cheryl Bennett presented the budget for Council review.

	<u>Aug 09</u>	<u>Jul - Aug 09</u>	<u>Budget</u>	<u>% of Budget</u>
General fund				
Revenues				
Other revenues				
Approp. Fund Balance	0.00	0.00	79,098.00	0.0%
Civil Penalties	410.00	750.00	400.00	187.5%
Investment revenue	0.00	130.62	12,000.00	1.09%
Miscellaneous	0.00	25.00	545.00	4.59%
Total Other revenues	410.00	905.62	92,043.00	0.98%
Other Taxes				
Stormwater Fees	1,400.00	1,400.00	38,000.00	3.68%
Cable franchise-from Time Warne	0.00	0.00	3,000.00	0.0%
Total Other Taxes	1,400.00	1,400.00	41,000.00	3.42%
Parks & Recreation Revenue				
Recreation Program Fees	189.00	1,086.87	1,000.00	108.69%
Community Center rental	195.00	405.00	2,800.00	14.46%
Gazebo rental	30.00	30.00	100.00	30.0%
Recreation daily swim fees	915.20	2,717.70	6,200.00	43.83%
Recreation season pass fees	0.00	1,532.00	50,000.00	3.06%
Total Parks & Recreation Revenue	1,329.20	5,771.57	60,100.00	9.6%
Property Taxes				
Ad valorem current year	17,717.98	17,717.98	521,196.00	3.4%
Ad valorem prior years	0.00	651.16	4,600.00	14.16%
Motor vehicle tax	4,095.74	4,095.74	53,171.00	7.7%
Penalties and interest	33.63	155.04	1,344.00	11.54%
Utility ad valorem	0.00	0.00	5,478.00	0.0%
Total Property Taxes	21,847.35	22,619.92	585,789.00	3.86%
State Shared Revenues				
Solid Waste Disposal Tax	526.63	526.63	1,500.00	35.11%
Telecom. Franchise	0.00	0.00	1,800.00	0.0%
Piped Gas	0.00	0.00	5,000.00	0.0%
Elec. franchise tax	0.00	0.00	60,000.00	0.0%
Cable Rev. (from State)	0.00	0.00	22,000.00	0.0%
Sales and use tax	0.00	0.00	140,000.00	0.0%
Total State Shared Revenues	526.63	526.63	230,300.00	0.23%
Total Revenues	25,513.18	31,223.74	1,009,232.00	3.09%

Expense				
Capital Outlay				
Capital Outlay Exp.	0.00	0.00	10,000.00	0.0%
Reserve for Capital Replacement	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>	<u>0.0%</u>
Total Capital Outlay	0.00	0.00	20,000.00	0.0%
General Administrative Expenses				
Adm Assistant	0.00	122.00	500.00	24.4%
Clerk/Tax Collector	3,675.00	7,350.00	44,100.00	16.67%
Council	0.00	0.00	11,000.00	0.0%
Finance Officer	883.33	1,766.66	10,600.00	16.67%
Mayor	0.00	0.00	3,000.00	0.0%
Payroll Expenses	<u>348.70</u>	<u>727.42</u>	<u>5,536.00</u>	<u>13.14%</u>
Total General Administrative Expenses	4,907.03	9,966.08	74,736.00	13.34%
Maintenance of Common Areas				
Landscaping	10,800.00	21,845.00	165,000.00	13.24%
Park maintenance	490.52	799.84	29,000.00	2.76%
Pond maintenance	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>	<u>0.0%</u>
Total Maintenance of Common Areas	11,290.52	22,644.84	204,000.00	11.1%
Operating Costs				
Advertising	32.65	32.65	300.00	10.88%
Association dues	0.00	3,000.00	3,000.00	100.0%
Bank charges	0.00	0.00	20.00	0.0%
Elections	0.00	0.00	3,700.00	0.0%
Insurance/bonds	0.00	6,721.34	9,400.00	71.5%
Miscellaneous oper. exp.	14.50	14.50	800.00	1.81%
Newsletter/website/flyers	200.00	200.00	2,600.00	7.69%
Office	76.53	326.53	3,400.00	9.6%
Postage	18.14	18.14	600.00	3.02%
Tax collection	447.80	447.80	1,600.00	27.99%
Telephone	250.93	496.37	2,980.00	16.66%
Training	73.44	73.44	1,200.00	6.12%
Travel	<u>0.00</u>	<u>0.00</u>	<u>500.00</u>	<u>0.0%</u>
Total Operating Costs	1,113.99	11,330.77	30,100.00	37.64%
Other Expenditures				
Economic Development	0.00	0.00	2,000.00	0.0%
Contingency	0.00	0.00	20,000.00	0.0%
Stormwater Expense	<u>822.00</u>	<u>1,097.00</u>	<u>38,000.00</u>	<u>2.89%</u>
Total Other Expenditures	822.00	1,097.00	60,000.00	1.83%
Parks & Recreation				
Pool Operations	0.00	0.00	1,600.00	0.0%

Comm. center maintenance	786.00	786.00	8,800.00	8.93%
Seasonal Decorations	0.00	0.00	10,000.00	0.0%
Natural Gas	34.63	72.70	1,200.00	6.06%
Pool maintenance	39.94	39.94	9,500.00	0.42%
Pool management fee	0.00	9,792.00	46,880.00	20.89%
Events/Recreation programs	0.00	835.82	1,800.00	46.43%
Storage Rental	0.00	1,308.00	1,300.00	100.62%
Water/Sewer	<u>474.04</u>	<u>886.49</u>	<u>2,200.00</u>	<u>40.3%</u>
Total Parks & Recreation	1,334.61	13,720.95	83,280.00	16.48%
Professional Fees				
Accountant	0.00	0.00	4,400.00	0.0%
Legal Counsel	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>	<u>0.0%</u>
Total Professional Fees	0.00	0.00	14,400.00	0.0%
Public Services/Safety				
Street Signs	0.00	90.00	2,500.00	3.6%
Garbage collection	21,418.03	21,418.03	273,000.00	7.85%
Law enforcement	0.00	0.00	150,216.00	0.0%
Street Lights	<u>8,416.01</u>	<u>16,682.17</u>	<u>97,000.00</u>	<u>17.2%</u>
Total Public Services/Safety	<u>29,834.04</u>	<u>38,190.20</u>	<u>522,716.00</u>	<u>7.31%</u>
Total Expense	<u>49,302.19</u>	<u>96,949.84</u>	<u>1,009,232.00</u>	<u>9.61%</u>
Net General Fund	23,789.01	-65,726.10	0.00	100.0%
Powell Bill				
Powell Bill Income				
Interest - Powell Funds	0.00	22.76	500.00	4.55%
Powell Bill Revenue	<u>0.00</u>	<u>0.00</u>	<u>85,000.00</u>	<u>0.0%</u>
Total Powell Bill Income	0.00	22.76	85,500.00	0.03%
Powell Bill Expense				
Street Exp. - Powell Bill	<u>260.00</u>	<u>260.00</u>	<u>85,500.00</u>	<u>0.3%</u>
Total Powell Bill Expense	<u>260.00</u>	<u>260.00</u>	<u>85,500.00</u>	<u>0.3%</u>
Net Powell Bill	<u>-260.00</u>	<u>-237.24</u>	<u>0.00</u>	<u>100.0%</u>
Net Excess of exp. Over revenues	<u>24,049.01</u>	<u>-65,963.34</u>	<u>0.00</u>	<u>100.0%</u>

Powell Bill funding will be less than last year. The estimated funding should be around \$80,000. Sandy Coughlin requested an EDC line item for income from the businesses participating in the Business Fair & Family Fun Day event.

TAX OFFICER'S REPORT: Cheri Clark has received 3% of the 2009 tax levy. According to the Office of State Budget and Management the VOLP population is 3,338.

PUBLIC SERVICES (Electric):

Clint Newton noted that one of the acorn lamp covers on Tea Rose Alley has not been replaced. It has been on order for two months. If you see a light not working, please call or e-mail Clint Newton so he can get it tagged and reported.

UNION COUNTY GOVERNANCE COMMITTEE: Sandy Coughlin e-mailed copies of the July and August minutes to Council. The way the discussions are going, the committee is leaning toward seven members as opposed to five. On September 23rd we will be addressing the pros and cons of districting, at-large and/or a combination. A variety of public opinion has been represented at the meetings. Hopefully by December, the committee will be able to make a recommendation.

COMMUNICATION: Greg Crosby requested that articles for the next Villager need to be submitted by September 11th. Topics to be included are security (calling 911 and reporting information promptly), stormwater, Chili cook-off, tax bills, voting and elections, vandalism and EDC information. There is a new page for stormwater on the website.

PARK AND RECREATION BUSINESS: Jo Waybright shared that we have received quotes of \$410.42 to install a vandal proof light and motion sensor at the Lake Charles fishing pier, \$454.10 to repair the lights and replace the photocell in the Gazebo and \$188.92 to replace the bulbs in the entry and replace the photo cell control on these 2 lights. Jo Waybright made the motion that we have Stegall Electric Service do the repairs up to \$1,100. Sandy Coughlin seconded the motion. Vote – Unanimous.

Pool season is over. We have a lot of original plastic furniture that has cracked and had to be disposed of at the end of pool season. Pool season went well and a mature adult manager made a difference in the daily operations of the pool.

Two month ago Council approved the preparation of an RFQ for architects. Jo Waybright stated that several people have inquired as to the status of the project. The Community Center expansion is for the future. She would like to propose that we move forward with drawing the plans for the addition so we can begin to budget for it. Council needs to decide “Do we go forward with it or not?” Based upon the input that Jo has received, the community is in support of the expansion; therefore Jo Waybright made the following motion: That we go forward with the RFQ advertisement for an architect to draw up plans. Clint Newton seconded the motion.

Under discussion, Virginia Currence stated that she is not in support of moving forward with the publication of the RFQ because she feels that we need to have the finances in place and that there are issues within the Village that need to be addressed before we proceed with the addition. She thinks we should table this discussion until the funds are available – three to five years. Greg Crosby questioned the changes in operating cost for the new space. Jo Waybright stated that based upon previous discussions with architects, utility cost should not vary due to the increased efficiency of the new systems. Mayor Kendall Spence stated that in the next year or two, we are going to be looking at having to replace the roof and the heating and air conditioning systems. We really don’t want to have to piece mill the project. Sandy Coughlin thought that the document was lengthy and one of her concerns is all of the information coming back to us be in the same format so that it is easy for us to compare apples to apples. Will there be a summary form attached to the packet?

The document was written by COG for another jurisdiction in Union County and we have simply modified it to fit our needs. Also there is a gentleman in our neighborhood that retired from Charlotte that did this for a living and he has reviewed the document and made some minor suggestions.

Jo Waybright stated her frustration with Council. Last week she had called each member of the board and left messages offering to address any concerns about the expansion. She stated that she did not receive a response from anyone; therefore she is not prepared to address concerns that are just now coming to light. Sandy Coughlin stated that since we do not know when the project would be constructed, we need to leave the 9 month timeline sentence out of the RFQ. Greg Crosby stated that we need to look at 4.7 Workload and a few other tricky areas since we do not have a timeline.

Jo Waybright stated that we can make the modification if Council approves the RFQ otherwise it is an exercise in futility if we have no intention of moving forward with the project. Clint Newton asked if the RFQ was merely going to give us an idea of what this is going to cost us. Jo Waybright stated that we cannot build the expansion without plans and the ability to budget the project. Mayor Kendall Spence stated that we did have an estimate of \$10,000 to produce a set of drawings. Sandy Coughlin requested clarification as to whether the RFQ was in front of Council tonight or not. Sandy Coughlin's impression was that we were supposed to vote on the entire package tonight. Greg Crosby stated that it was his impression also. Jo Waybright stated that the RFQ is the first page of the document. Sandy Coughlin stated that she needed to understand exactly what we expect to receive back from the RFQ.

Attorney Ken Swain stated that his current understanding which could change as there becomes a more definite movement towards completing the project would be that the RFQ appears to be organized but the front page is what would be advertised however the subsequent pages would be relevant to the architect's response to the Village. If you are saying you are going to advertise the RFQ, then there needs to be an agreement to the content of the qualifications in the second group of papers.

Jo Waybright will revise the RFQ and have a working document at the next Council meeting. Cheryl Bennett stated that Wesley Chapel went through this process several years ago. She suggested that the whole point of the RFQ is for Council to say – Yes, we need the space and yes, are we going to make this happen and that is why we are putting out a RFQ. If Council does not feel that we are committed to the project, then it is a waste of staff, Council and the architects' time to continue to work on the RFQ. You have some money available. Jo Waybright stated that we have already determined that we have a need a year ago when we started talking about the expansion.

Attorney Ken Swain stated that there will be staff time involved and if you spend thousands of dollars determining the cost of the project, you have to assess whether or not you want to do it. If you send this letter out, you are going to have to have a document that the architects are going to respond to.

Mayor Kendall Spence asked if Parks and Rec is going to do the qualifying of architects. Jo Waybright stated that the RFQ says a committee and the committee can be made up of a person from Parks and Rec, and some from Council. and even citizen volunteers.

Greg Crosby stated that based on this discussion, it is his understanding that in an ideal situation, we are going to do an RFQ for architects and then a RFP for contractors. Attorney Ken Swain stated that Council would go from RFQ of architects, working drawings, RFP for contractors, enter into a contract with the contractor in which the architect would serve as the project manager. The architect would approve all change orders, payment to the contractor and act as the liaison between the contractor, committee and Council. This is another reason you need to have confidence in your architect.

Greg Crosby asked if we have the funding available to kick off this project. Sandy Coughlin asked Cheryl Bennett what the current fund balance is for the VOLP.

August Statement	\$781,000
Appropriated for this year's budget	80,000

Appropriated for ponds	30,000
Budget Expenditures	300,000
Unreserved Fund balance	\$371,000

Attorney Ken Swain asked how this current fund balance compares to the last couple of years. Sandy Coughlin stated that in the past when Council prepares the budget for the next year, we have looked at year over year, but have yet to look at trends over several years. Cheryl Bennett asked if we have a long term capital program for maintaining and improving the town. Jo Waybright stated that right now we are nowhere with the Community Center expansion. Sandy Coughlin stated that we are however a debt free entity.

Mayor Kendall Spence stated that we are never going to have a huge surplus where everyone is going to feel confident in expending funds. It may be a little tight but in the vision of Lake Park and the reasons stated earlier, I think we should move forward with the expansion. Vote was three to two with Greg Crosby, Clint Newton and Jo Waybright voting yes and Sandy Coughlin and Virginia Currence voting no.

Virginia Currence stated that Schneider Tree Care is in the process of removing the dead trees that were approved at the last Council meeting. We opened the Lake Charles bids at the August Parks and Rec meeting. A company from Monroe, Monroe Roadways bid \$14,258.00. We were surprised at the range of bids. We are working out the contract now. Virginia Currence made the motion that pending contractual agreement, Council authorizes the Mayor to enter into contract with Monroe Roadways to do the excavation work on Lake Charles for the amount of \$14, 258.00. Clint Newton seconded the motion. Vote – Unanimous. Due to additional work required with both the bidding process and drawings, Eagle Engineering’s bill was \$2,745.00. Virginia Currence made the motion that we move from the Unappropriated fund balance \$30,000 to take care of the excavation and landscaping work at Lake Charles. Clint Newton seconded the motion. Vote – Unanimous.

Virginia Currence has met several times with the Aquatic Resource Group working to develop a long range plan for the ponds in the VOLP.

Mayor Kendall Spence stated that he had a homeowner request that a concrete slab be poured to put the trash cans on at the Community Center and requested that Parks and Rec look into the matter. Jo Waybright stated that we have discussed this several times and would like to do the work in conjunction with sidewalk work being done in the Village.

STORMWATER: Cheri Clark stated that the outlet structure in Lake Charles has been repaired for \$800.00 as opposed to the second quote which was \$2,400.00. Jo Waybright made the motion to approve the repair cost at Lake Charles. Virginia Currence seconded the motion. Vote – Unanimous.

We have a storm drain issue in the common area between Vonda Court and Alden. Hopefully by the next Council meeting we will know financially what we are looking at.

STREET BUSINESS: Mayor Kendall Spence reported that for the most part Boggs has completed the Alden paving project. They still have a couple of mailboxes to put back up, address a couple of manholes and the transition between the paving and pavers.

In addressing the parking issue, Mayor Kendall Spence would like to suggest that at the bottom of each of the four entrance signs the following statement be added: No Parking on Grass and Sidewalks at a cost of \$240.00. Jo Waybright made the motion that we modify the signs. Clint Newton seconded the motion. Vote – Unanimous.

ECONOMIC DEVELOPMENT: Sandy Coughlin stated that Fireside Coffee is getting ready to re-open and that the dry cleaners and the Mathisen Company have closed. The Moser Group is handling the leasing of the Town Center.

Growing in Lake Park

*Village of Lake Park
Economic Development
Commission Meeting*

Meeting Minutes: August 27, 2009

Location: 3825 Faith Church Road

Attendees: Sandy Coughlin, Doug Lucas, Charles Williams, Sharon Williams

Absent: Kendall Spence

OPENING: Sandy called meeting to order. Sharon offered the reflection.

MINUTES: Minutes of the July 23, 2009 EDC meeting, previously emailed, were read by Sandy and accepted with one addition: A report of the UCGC June meeting was included.

BUDGET: Our 2009-2010 budget balance is unchanged at \$2000.
Pending expenses: October registration at NCLM conference and the EDC fall event.

OLD BUSINESS:

1. **Neighbor Community EDC:** MCIC EDC discussion tabled till Kendall is present (September).
2. **Intersection Improvement:** No new report about construction. However, we are assured that the Town Center directional sign will not need to be moved.
3. **Commercial Web Development:** This will be tabled until January due to fall events.
4. **EDC Fall Event:**
 - a. Commitments include Ryan, Image, Family Practice, Braden, Angela and Firehouse Coffee.
 - b. Business contributions will be due by October 1.
 - c. Kendall's quote from Banner Signs is higher than a vendor Sharon uses. She will follow up and call at least 2 of us to review the design before placing an order that should not exceed \$150 for 2 signs. Doug will install the banners and provide stakes.
 - d. Still need Kendall's flyer proposal to attach to October "Villager".
 - e. Village Council approved closing Creft between Meeting Street and Fireside Coffee ¹ corner from 9a – 3p and declined making any changes in the cook-off that evening.
 - f. Sandy showed a map to confirm that space. Doug will have cones to shut off that section of street and confirmed the date.
 - g. First announcement of the event was in the August *Villager*.
 - h. Press releases will be sent to Indian Trail Trader, Charlotte (Union) Observer and the Enquirer Journal.

NEW BUSINESS:

¹ Sharon Williams met the Konarzewski's new partner. Opening to occur upon his return from Poland.

1. Commercial News:

- a. BB&T is the current owner of Town Center
- b. Moser Group was hired to manage the leased spaces and market vacant spaces.
- c. The dry cleaner and The Mathisen Company are closed this month.
- d. Doug Lucas has earned the Certified Landscape Professional license from NC State University.
- e. Angela Williams is teaching an accounting class at CPCC
- f. Vintage Townhomes Phase 3 has hired Pivot Management Group (Erin Battenburger)
- g. Vintage Condos have hired Herman Management (Kevin Herman)
- h. The Braden Company is occupying the corner spaces and Sherry Whitley is now with Starkey.

~~**NEXT MEETING:**~~ 6:30pm Thursday, September 17. 3316 Faith Church Road (Lucas)

~~**ADJOURNED:**~~ 7:50 pm.

The GROWTH Coach Quote: If you want greater freedom, flexibility, fulfillment and financial results, DO SOMETHING DIFFERENT. If you keep doing the same thing, you will keep getting the same results - that much in life is guaranteed.

Cheri Clark will have an interlocal agreement concerning GIS mapping for Council review prior to the next Council meeting.

SET AGENDA FOR OCTOBER 13, 2009: Add: Waste Collection to the agenda under Public Services.

COUNCIL COMMENTS:

Sandy Coughlin complimented Jo for her diligence and commitment to the Community Center Expansion.

Jo Waybright invited all of the candidates to the SAGES picnic on September 11th.

ADJOURN: Sandy Coughlin made a motion to adjourn the meeting. Greg Crosby seconded the motion. Vote – Unanimous.

Respectfully submitted,

Mayor Kendall Spence

Village Clerk, Cheri Clark